

ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

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Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Third Periodic Review of the) MB Docket No. 07-91
Commission's Rules and Policies)
Affecting the Conversion)
To Digital Television)

TO: Secretary, Federal Communications Commission

COMMENTS ON BEHALF OF
Permian Basin Public Telecommunications, Incorporated
Licensee of KPBT-TV, Odessa, Texas

The following comments are in response to the Federal Communications Commission ("FCC") Public Notice on the comment period for the Third DTV Periodic Review Notice of Proposed Rulemaking ("NPRM")¹ and are submitted on behalf of Permian Basin Public Telecommunications, Inc., ("Permian Basin Public TV"), licensee of full-service television station KPBT-TV, Odessa, Texas. Permian Basin Public TV is an agency which is chartered to provide public educational television service to all residents in the Permian Basin region of Texas. Permian Basin Public TV has several issues with proposals in the Third DTV Periodic Review NPRM regarding its build-out of its post-transition DTV facilities for its full-service television station and other items which it will address herein.

¹Media Bureau Announces Comment and Reply Comment Dates for the Third DTV Periodic Review NPRM, MB Docket No. 07-91, *Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91, Notice of Proposed Rulemaking, FCC 07-70 (rel. May 18, 2007) ("Third Periodic Review NPRM").

KPBT-DT

The currently licensed analog operation of KPBT-TV is on Channel 36 with 513 KW directional effective radiated power ("ERP") and 88 meters antenna height above average terrain ("HAAT"). KPBT-DT has a DTV construction permit for Channel 38 with 500 kW non-directional ERP and 80 meters HAAT at a different site located approximately 60 meters from KPBT-TV. The towers which currently host KPBT-TV and KPBT-DT are both owned by Odessa Junior College District ("Odessa College"). The proposed facilities in the new DTV Table of Allotments² reflect the same ERP and HAAT at the same site as its outstanding DTV construction permit³. KPBT-DT elected in the first round of DTV channel elections to operate its post-transition DTV station on its currently authorized digital Channel 38. Permian Basin Public TV was notified by the land and tower owner that the current lease will expire at the end of February, 2009. A verbal indication was given by the land owner, Odessa College, that this deadline could be extended, but as of this date that has not been formalized. KPBT-DT will most likely need to relocate the transmission facilities elsewhere. To date Permian Basin Public TV has explored several existing towers as potential host sites for KPBT-DT. Negotiations with those tower owners are taking time and have not yet produced results that would indicate economic viability. Permian Basin Public TV is now at the point of determining

²Appendix B, Seventh Report and Order and Eighth Further Notice of Proposed Rulemaking, MB Docket No. 87-268, released August 6, 2007.

³Permian Basin Public TV filed an application for license to operate its KPBT-DT facility pursuant to its outstanding construction permit (FCC File No. BLC DT-20031104ACQ), which was dismissed by the FCC. KPBT-DT is currently operational under special temporary authority.

whether a lease agreement with an existing tower owner is realistically feasible from both an engineering, regulatory and economic standpoint.

Permian Basin Public TV is concerned with regulatory proposals that might compromise the ability to modify its KPBT-DT facilities and maintain its output power, coverage, and interference protection since the station cannot at this time provide exact information as to the final location of KPBT-DT facilities. KPBT has commissioned engineering assistance to research various existing tower locations and potential locations for new construction. Currently KPBT is in the negotiation process with other tower owners to secure a new transmitter location for KPBT. KPBT has been diligently working to address this issue.

KPBT-DT will need to construct a building, and depending on location, a tower, and interconnect to these facilities. These will all require funding. Permian Basin Public TV had applied to the Corporation for Public Broadcasting ("CPB") Digital Distribution Fund ("DDF") Round 10 grant for funding to move the facility. This application was turned down as CPB indicated that it did not fund moving a transmission facility.

The combination of funding uncertainty, the current uncertainty of final KPBT-DT transmitter location, and the station being in a Mexican Border Zone puts KPBT-DT in an unusual situation.

While Permian Basin Public TV would prefer to comply with current FCC requirements for the transition to digital television, it can reasonably assert that there are hardships that the current requirements will put on this station.

Permian Basin Public TV is concerned about the transition date from analog to digital. It is concerned that while in transition the digital must be shut down to move the

digital transmitter and construct a new site. There will be no service to the area as by statute the analog must be shut off. Permian Basin Public TV believes that the public would be ill served if a strict date for analog shut down were applied to stations that have unusual circumstances such as KPBT-TV.

Permian Basin Public TV, is not at this time requesting any special treatment, but is filing these comments so that the FCC may be better equipped to make an informed decision regarding the Third DTV Periodic Review NPRM.

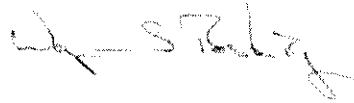
When the KPBT-DT post-transition DTV facility is constructed, it is not anticipated to cause any interference to another station since it intends to operate within or near its "footprint" facilities proposed in the Seventh Further NPRM Appendix B new Table of Allotments. However, Permian Basin Public TV expects the FCC to offer a filing window or allow filing of applications for construction permits for post-transition DTV facilities as soon as possible to facilitate a smooth digital television transition, as many anticipated post-transition technical parameters may depend on the facilities authorized to be constructed.

Financial Obligations as an Educational Television Broadcaster

Permian Basin Public TV will need to hire various technical personnel to assist in the build-out of its remaining DTV full-service stations, usually through a bidding process awarding a contract to the best bidder in accordance with the policy set forth to receive funding for a television station. In the interest of the time necessary to complete

this transition to digital television for Permian Basin Public TV, some technical personnel may need to be contracted without following the state's bidding policy, thereby increasing the financial burden on Permian Basin Public TV. These financial obligations are further explanation for why Permian Basin Public TV requests the FCC to allow filing of post-transition DTV construction permits as soon as possible.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Wayne Rosberg", written in a cursive style.

Wayne Rosberg
CCTS
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August 15, 2007